

# 2006 IBC

## "Safe Harbor" Update

by Kimberly Paarlberg, ICC Senior Staff Architect

The U.S. Fair Housing Act (FHA) is a federal civil rights law that prohibits discrimination in housing, including with respect to persons with disabilities. The scoping and technical criteria developed and maintained by the U.S. Department of Housing and Urban Development (HUD) for accessibility in all types of housing are given in its *Fair Housing Accessibility Guidelines* (FHAG).

When applied to model building codes and standards, the term "safe harbor" means that the requirements set forth in a given document have been reviewed by HUD and been deemed to meet or exceed FHA and FHAG accessibility requirements. Previously, ICC requested HUD review of its 2000 *International Building Code* (IBC), which references the 1998 edition of ICC/ANSI A117.1, *Accessible and Usable Buildings and Facilities*, for technical requirements. The end result was that Type B units (apartments and townhouses) built to the 2000 edition of the code were deemed to be "consistent with the design and construction requirements of the federal Fair Housing Act" but safe harbor designation was not granted for other types of residences covered by the FHA.

A committee was subsequently formed to develop a package of proposed changes addressing accessibility requirements for facilities such as assisted living facilities, nursing homes, dormitories, boarding houses, convents, monasteries, and nontransient hotels and motels. Once these changes were duly approved through the ICC hearing process, HUD deemed the use of the 2000 IBC in conjunction with the 2001 *Supplement to the International Codes* to constitute a safe harbor for compliance with the FHAG. When the next edition of IBC was published in 2003, ICC again requested HUD review for safe harbor designation. Although a possible interpretation issue for site arrival points was identified, the 2003 IBC was also finally deemed to be a safe harbor document.

Most recently, ICC requested a HUD safe harbor review of the 2006 IBC and its referenced accessibility standard, ICC/ANSI A117.1-2003. It is significant to note that HUD contributed directly to the code development process for the 2006 IBC and had a representative on the A117.1-2003

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**Editor's Note:** Immediately before press time, the U.S. Department of Housing and Urban Development designated the 2006 International Building Code and 2003 ICC/ANSI A117.1 as "safe harbors" for compliance with the Fair Housing Act design and construction accessibility requirements. For more information go to [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing).



development committee, and it is due in no small part to such active involvement by a wide range of interested parties (which also included NAHB, the United Spinal Association and the National Multi Housing Council, among many others) that there is reason to anticipate that the 2006 IBC and 2003 ICC/ANSI A117.1 will receive safe harbor designation in the very near future.

More information and the latest news regarding HUD's safe harbor review of the 2006 IBC are available on the ICC accessibility web page: [www.iccsafe.org/safety/accessibility](http://www.iccsafe.org/safety/accessibility). ♦

"The approval of the 2003 ICC/ANSI A117.1 accessibility standard and the 2006 IBC as a safe harbor is very important to the multifamily housing industry in our effort to provide cost-effective, safe and accessible housing that complies with the FHAG requirements. The safe harbor in the building code and standard allows for a better understanding of the scoping and technical requirements for dwelling units."

Ronald G. Nickson  
Vice President of Building Codes  
National Multi Housing Council

"HUD's approval of the 2006 IBC and 2003 A117.1 as safe harbor documents for compliance with the accessibility requirement of the Fair Housing Act is absolutely critical to ensuring that buildings are designed and constructed in compliance with the Act and to avoid costly enforcement actions in the future. There is no better measure."

Jeffery Inks  
Assistant Staff Vice President  
of Construction Codes and Standards  
National Association of Home Builders

"It is important that the 2006 edition of the *International Building Code* be recognized as a safe harbor for compliance with the Fair Housing Act's *Accessibility Guidelines*, as it will continue the precedent established by previous [2000 and 2003] editions. With the help of code officials responsible for enforcing the 2006 IBC in their jurisdictions, designers and developers of multifamily housing will be in a much better position to achieve compliance with federal residential accessibility requirements."

Dominic Marinelli  
Director of Accessibility Services  
United Spinal Association